

**REMARKS**

**I. Response to Restriction Requirement**

The Examiner has required an election under 35 U.S.C. § 121 of one of the following groups:

- I. Claims 100-104, drawn to a hapten-carrier conjugate, classified in class 424, subclass 1.57.
- II. Claims 105-108, drawn to a method of treating nicotine addiction, classified in class 131, subclass 270.
- III. Claim 109, drawn to a pharmaceutical preparation, classified in class 424, subclass 1.11.
- IV. Claim 110, drawn to a method of making a hapten-carrier conjugate, classified in class 436, subclass 543.

The Examiner contends that the inventions of Groups I through IV are distinct from each other.

Applicants respectfully traverse the Restriction Requirement and assert that even assuming, *arguendo*, that Groups I and III represent distinct or independent inventions, to search and examine the subject matter of Groups I and III together would not be a serious burden on the Examiner. The M.P.E.P. § 803 (Eighth Edition, Revision 3, August 2005) states:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

Applicants respectfully assert that the subject matter of the claims of Groups I and III are so intertwined that a single search would identify any relevant art pertaining to a hapten-carrier conjugate recited in claims 100-104, and a pharmaceutical preparation comprising such a hapten-carrier conjugate. Thus, in view of M.P.E.P. § 803, the subject matter of the claims of Groups I and III should be searched and examined in the subject application. Accordingly, Applicants respectfully request that the Restriction Requirement Under 35 U.S.C. § 121 be modified such that the subject matter of the claims of Groups I and III are examined in one application.

In order to be fully responsive, however, Applicants hereby elect to prosecute the claims of Group I, drawn to a hapten-carrier conjugate, with traverse, without prejudice to Applicants' rights to pursue the non-elected subject matter in other applications.

In addition to the election of Group I, II, III, or IV, the Examiner has required a species election. In particular, Applicants' are required to elect:

- (a) a single "CJ" species if Group I is elected;
  - (b) a single species of a hapten-carrier conjugate if Group II, III, or IV is elected;
- and
- (c) a single species of a route of administration if Group II is elected.

Applicants hereby elect to prosecute a hapten-carrier conjugate composed of a hapten derived from nicotine linked to a carrier by linker CJ 3. Applicants respectfully assert that a search for a hapten-carrier conjugate composed of a hapten derived from nicotine linked by the linker CJ 3 to a carrier should identify any relevant art for such a hapten-carrier conjugate.

## II. Claim Amendments

Claims 100-110 were pending in this application. Applicants have canceled claims 105-108 and 110, directed to non-elected subject matter, without prejudice to Applicants' right to pursue the subject matter of the canceled claims in a related application. Applicants have amended claims 101-103 so that the terminology used in the claims is consistent. Applicants have also amended claim 109 and added new claims 111-124 to more particularly point out and distinctly claim the subject matter of Groups I and III. In particular, claim 109 has been amended to recite a pharmaceutical preparation comprising the hapten-carrier conjugate of claim 100 and a pharmaceutically acceptable excipient.

New claims 111-116, directed to the elected subject matter of Group I, specify the carrier of the hapten-carrier conjugate or the structure of the hapten derived from nicotine. New claims 117-124, directed to the subject matter of Group III, specify other components of the pharmaceutical preparation or that the pharmaceutical preparation is suitable for a particular route of administration to a human.

The amendments and new claims are fully supported by the specification of the present application (see, *e.g.*, page 27, line 34 to page 28, line 18, page 28, line 33 to page 30, line 8, page 34, lines 9-27, page 53, line 30 to page 54, line 8, page 54, line 20 to page 57,

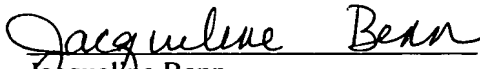
line 5 of the specification of the application), and do not constitute new matter. Upon entry of this response, claims 100-104, 109 and 111-124 will be pending in the present application.

**CONCLUSION**

Consideration and entry of the amendments and remarks into the record for the application are respectfully requested. The Examiner is invited to contact the undersigned with any questions concerning the foregoing.

Respectfully submitted,

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